

THE HON'BLE SRI JUSTICE P.S.NARAYANA

-
WRIT PETITION NO.24172 of 2006

-
DATED 22.11.2006

Between:

N.Venkata Ratnam.

.. PETITIONER

versus

Municipal Corporation of Vijayawada,
represented by its Commissioner,
Vijayawada.

.. RESPONDENT

WRIT PETITION NO.24172 of 2006

ORDER:

The matter is coming up for admission. Heard Sri M.Rajasekhara Reddy, learned counsel representing the writ petitioner and Smt. Jhansi, learned Standing Counsel representing the respondent.

2. The Writ Petition is filed for a Writ of Mandamus declaring as illegal, arbitrary and contrary to the provisions of statutes, the action of the respondent in interfering with the petitioner's peaceful possession and enjoyment of land of extent of Ac 0.47 cents in S.No.211/1, Ayyappa Nagar, Patamata, Vijayawada, Krishna District and issue a consequential direction to the respondent not to interfere with the petitioner's property and pass such other suitable orders.

3. Several factual details are narrated in the affidavit filed in support of the Writ Petition. The writ petitioner in fact claims the ownership and possession over the subject matter of the Writ Petition. It is also stated that the respondent-Corporation has been frequently visiting the subject matter and threatening to demolish and remove the fencing and also the wall. It is also stated that the respondent is not following due process of law.

4. In the facts and circumstances well explained in the affidavit filed in support of the Writ Petition, this Court is of the opinion that the Writ Petition be disposed of directing the respondent not to resort to any demolition activity or removal of the existing fencing or the wall except by following due process of law. However, it is stated that part of the compound wall had already been removed. It is made clear that the rest of the portion of the wall and the fencing not to be disturbed unless and until due process of law is followed.

5. With the direction indicated above, the Writ Petition is disposed of. No costs.

22.11.2006

SSR